



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

DA 02-3024

Released: November 8, 2002

WIRELESS TELECOMMUNICATIONS BUREAU ANNOUNCES THAT APPLICATIONS FOR LOWER 700 MHZ BAND ARE ACCEPTED FOR FILING

AUCTION EVENT NO. 44

EXPEDITED PLEADING CYCLE ESTABLISHED AND PAYMENT PERIOD REDUCED

Petitions to Deny Due on November 15, 2001

Report No. AUC-44 (Auction No. 44)

The long-form applications (FCC Form 601) for the Lower 700 MHz Band licenses listed in Attachment A have been found, upon initial review, accepted for filing. The Commission may return or dismiss any application if it is found, upon further examination, to be defective or not in conformance with the Commission's rules. *See* 47 C.F.R. § 1.934 (a), (d).

The following schedule for pleading and payment has been set in light of the Auction Reform Act of 2002, which includes a statutory deadline of December 31, 2002.¹ Petitions to deny the applications listed in Attachment A must be filed no later than **November 15, 2002**, seven (7) days after the date of this Public Notice. *See* 47 C.F.R. § 1.2108(b). Oppositions to a petition to deny must be filed no later than **November 22, 2002**, five business (5) days after the filing date for petitions to deny. *See* 47 C.F.R. § 1.2108(c). Replies to oppositions must be filed no later than **December 2, 2002**, five business (5) days after the filing date for oppositions. *See* 47 C.F.R. § 1.2108(c). All pleadings filed regarding Lower 700 MHz Band long-form applications should refer to **Report No. AUC-44 (Auction No. 44)**, as well as to the specific FCC file number of the individual application.

Certain applicants² failed to file an original FCC Form 602 in our Gettysburg office by October 4, 2002,³ as required by sections 1.2107(f), 1.913(a)(2), (d)(4) and 1.919(b) of the Commission's rules, 47 C.F.R. §§ 1.2107(f), 1.913(a)(2), (d)(4), 1.919(b). These applicants subsequently filed their Form 602s.

¹ Auction Reform Act of 2002, Pub. L. No. 107-195, 116 Stat. 715 (2002) (codified as amended at 47 U.S.C. § 309(j)(15)).

² *See* KanOkla Telephone Association, Inc. (FCC File No. 0001047237); Kaplan Telephone Company, Inc. (FCC File No. 0001047249); Nortex Communications Company (FCC File No. 0001041694); Plateau Telecommunications (FCC File No. 0001047257).

³ *See* Lower 700 MHz Band Auction Closes; Winning Bidders Announced; FCC Forms 601 and 602 Due October 4, 2002, *Public Notice*, DA 02-2323 (rel. Sept. 20, 2002).

Because we recently made available the option of filing Form 602 electronically⁴ and some applicants may have been unfamiliar with the new filing procedures, we will waive the Form 602 filing deadline for these applicants *sua sponte*.⁵ We note, however, that such acceptance of late-filed forms will not be granted routinely in the future in the absence of a clear showing of good cause.

Under the Commission's current procedures for the submission of filings and other documents,⁶ submissions in this matter may be filed electronically or by paper, according to the instructions below.

- **If filed electronically** by e-mail, pleadings shall be filed at the following e-mail address: WTBSecretary@fcc.gov. Please also copy (CC) Amal Abdallah at aabdalla@fcc.gov. For security purposes, we recommend that pleadings filed via electronic mail be converted to PDF format.
- **If filed by hand delivery**, an original and four copies of each pleading shall be delivered to 236 Massachusetts Avenue, NE, Suite 110, Washington, DC 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Please address copies of pleadings to Amal Abdallah, Room 4-A234, Policy and Rules Branch, Commercial Wireless Division, Wireless Telecommunications Bureau, 445 12th Street, SW, Washington, DC 20554.
- **If filed by commercial overnight delivery service** (other than U.S. Postal Service Express and Priority Mail), an original and four copies of each pleading must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. Please address copies of pleadings to Amal Abdallah, Room 4-A234, Policy and Rules Branch, Commercial Wireless Division, Wireless Telecommunications Bureau, 445 12th Street, SW, Washington, DC 20554.
- **If filed by U.S. Postal Service first-class, Express Mail or Priority Mail**, an original and four copies of each pleading must be addressed to 445 12th Street, S.W., Washington, DC 20554. Please address copies of pleadings to Amal Abdallah, Room 4-A234, Policy and Rules Branch, Commercial Wireless Division, Wireless Telecommunications Bureau, 445 12th Street, SW, Washington, DC 20554.

In addition, regardless of the method used for the submission of filings and other documents, **please provide an electronic copy of each such submission to Amal Abdallah at aabdalla@fcc.gov.** For security purposes, we recommend that such copies provided via electronic mail be converted to PDF format.

In addition, one copy of each pleading must be delivered to the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC 20554, telephone (202) 863-2893, facsimile (202) 863-2898, or via e-mail at the following e-mail address: qualexint@aol.com.

⁴ See Wireless Telecommunications Bureau Announces Availability of Electronic Filing of FCC Form 602, *Public Notice*, 17 FCC Rcd 16779 (2002).

⁵ See 47 C.F.R. §§ 1.925(a) (Commission may waive specific requirements of the rules on its own motion), 0.331 (authority delegated).

⁶ See In the Matter of Implementation of Interim Electronic Filing Procedures for Certain Commission Filings, *Order*, 16 FCC Rcd 21483 (2001); FCC Announces a New Filing Location for Paper Documents and a New Fax Number for General Correspondence, *Public Notice*, 16 FCC Rcd 22165 (2001).

The applications listed in Attachment A are available to the public for electronic viewing in the Commission's Universal Licensing System ("ULS"). Instructions for obtaining and using ULS are contained in Attachments B and C to this Public Notice.

After the pleading cycle, the Wireless Telecommunications Bureau will announce by further public notice applicants to which the Commission is prepared to grant licenses. All winning bidders will be required to pay the balance of their total winning bids in a lump sum payment **within five (5) business days** following the release of the public notice announcing that the Commission is prepared to grant their respective licenses. Licenses will be granted after the full and timely payment of the winning bids and any applicable late fees.

Any amendments to FCC Form 601 applications must be filed electronically. For technical assistance in using ULS for viewing applications or making amendments to applications, contact the FCC Technical Support Hotline at (202) 414-1250, or JoAnn Epps at (202) 418-1342. The Technical Support Hotline generally will be available Monday through Friday, from 9 a.m. to 6 p.m. ET. All calls to the FCC Technical Support Hotline are recorded. Questions regarding procedural issues concerning the applications should be directed to Amal Abdallah or Evan Baranoff, at (202) 418-7240.

This Public Notice contains the following attachments:

Attachment A: List of Applications Accepted for Filing – sorted by Applicant.

Attachment A1: List of Applications Accepted for Filing – sorted by market and block.

Attachment B: Instructions for Searching for Applications Listed in Attachment A using ULS.

Attachment C: Instructions for Accessing the FCC Network Using Windows 95/98.